

# EPA Region III

## Office of Public Affairs

### EARLY BIRD HEADLINES

**Wednesday, October 17, 2012**

#### \*\*\* MORNING HOT LIST \*\*\*

#### **Industry Issues Guidance on Methane Migration**

**STATE IMPACT PENNSYLVANIA** By now, videos of residents lighting their taps on fire are a familiar image. Those flames are caused by methane that migrated into a subsurface water supply and is known as methane migration, or “stray gas.” Perhaps the most famous incident of stray gas happened in Dimock, Susquehanna County. The Pennsylvania Department of Environmental Protection blamed Cabot Oil and Gas. Cabot says its drilling operations did not create the stray gas problem in Dimock. Rather, the company says the problem existed long before it arrived to start drilling. Either way, the Marcellus Shale Coalition, an industry group, has issued guidance to its members about how to handle reports of stray gas ending up in residential water wells or surface water near oil and gas drilling sites. The stray gas can originate in coal beds, shallow pockets of methane, and deeper sources of methane such as the Marcellus Shale. Oil and gas drilling operations can cause the gas to migrate into drinking supplies and surface water, but it’s not the only cause. The MSC says transparency and open lines of communication with residents, regulators and emergency responders are a priority when faced with a stray gas complaint. The health impacts of drinking water containing methane are not known. But the release of high concentrations of methane in a house or other enclosed building can be dangerous and cause an explosion. The MSC says the first response may be evacuation.

#### **Editorial: State's drilling fee a bargain for drillers**

**BUCKS COUNTY COURIER TIMES** Bucks and Montgomery counties are eagerly awaiting their share of the more than \$200 million in so-called impact fees the state has collected already from companies drilling for natural gas. Bucks is looking to receive \$530,461; Montco’s share is \$678,614. Not a bad haul in impact fees, considering the drilling has had no impact on either Bucks or Montco. In fact, although 60 percent of the revenue will go to the 35 counties and almost 1,500 municipalities where drilling actually occurs, all 67 of the state’s counties will share in the bounty. The Fish and Boat Commission, the Department of Environmental Protection and any other agency that regulates or otherwise deals with the drillers will also get a cut. Even though the federal government long ago relegated “millions” to the “chump change” category, \$200 million is still a lot of money. If used wisely, that money can pay for useful repair and improvement projects all over the commonwealth. Unfortunately, the total amount could be and would be much higher if state lawmakers had opted for a natural gas severance tax based on the amount of gas actually extracted from the ground instead of an annual impact fee for each well drilled. (Which, by the way, will only be assessed if the well produces so much gas per day.) According to the Pennsylvania Budget and Policy Center, which bills itself as “a nonpartisan, statewide policy research project,” over \$8 billion worth of natural gas was extracted from Pennsylvania’s share of the Marcellus Shale between July 2009 and June 2012. The center claims Pennsylvania would have collected \$538

million — nearly three times as much — if it had a natural gas tax similar to West Virginia, which is also profiting from Marcellus drilling. Interesting that one of the key arguments made in Harrisburg during the drilling debate was that levying a severance tax would drive the drillers away to drill ... where? The gas is here. West Virginia has been collecting its drilling taxes for years and produces more gas than Pennsylvania. Other states where drilling is big business have similar taxes, and are reaping the rewards. Pennsylvania's \$200 million pales in comparison.

## **US environment agency fights back over mountaintop mining**

**NATURE MAGAZINE** The US Environmental Protection Agency is fighting tooth and nail to stop destructive mining practices that threaten the aquatic habitats and wildlife of the Appalachian Mountains of West Virginia. Wednesday is the deadline for the agency to submit legal arguments in its appeal against a decision that overturned its veto of a permit for a vast surfacing-mining operation in the area. Mountaintop mining involves removing large amounts of earth with explosives to allow the excavation of thin seams of coal beneath them. Last year, the EPA vetoed a permit for one of the largest such projects ever planned in West Virginia. The permit had been awarded in 2007 by the Army Corps of Engineers to Mingo Logan, a subsidiary of Arch Coal — the second-largest coal producer in the United States, which is based in St Louis, Missouri. The EPA concluded that the Spruce 1 mine would have "unacceptable" effects on water quality and wildlife (see '[EPA nixes mountain mining plans](#)'). But in March this year, US district judge Amy Berman Jackson ruled that the EPA does not have the authority to veto a permit once it has been issued by the corps. She said such authority would be "a stunning power for an agency to arrogate to itself". Environmentalists fear that the move seriously threatens the EPA's powers to effectively safeguard the environment. In July, another district judge overruled EPA guidance that recommended preserving water quality by putting limits on the allowable electrical conductivity of stream water, a property that is increased by the presence of mining debris in the water.

## **Drilling tip line yielded scores of allegations, but no criminal cases**

**GREENWIRE** In February 2011, a resident of a western Pennsylvania town noticed that her water was black and "had a very strong metallic odor." That same month, in Texas, several people in one neighborhood smelled rotten eggs and experienced symptoms that ranged from nausea to face paralysis. And in West Virginia, one resident accused an oil and gas company of kidnapping a neighbor to obtain permission for drilling rights. Ranging from credible to dubious, from coherent to irrational, the hundreds of tips that U.S. EPA received through its "Eyes on Drilling" tip line paint an eclectic picture of the fears that plague residents who live near oil and natural gas developments. For the last three years, people called and emailed the agency at all times of the day and night to report illegal dumping, suspicious smells and cloudy water. EPA's Region 3 office in Philadelphia launched the tip line at the start of 2010 in the hope that it would lead to useful information about hydraulic fracturing, a controversial process for extracting gas that is becoming increasingly popular. Though EPA has no direct jurisdiction over the permitting for so-called fracking -- in which chemical-laced water is used to break apart rock formations -- the agency does enforce regulations to protect air and water resources. EPA got flooded with calls the day it launched the tip line, according to logs obtained by *Greenwire* through a Freedom of Information Act request. Many came from Pennsylvania, where oil companies are using fracking to tap previously inaccessible oil and gas deposits in the Marcellus Shale formation... But EPA's criminal investigators followed up on scores of allegations, visiting local residents to get more information or sometimes just to answer questions and allay fears, said David McLeod, EPA special agent in charge in Region 3. McLeod, who heads EPA's Criminal Investigation Division (CID) for the mid-Atlantic states, admitted in a recent interview that the tip line "wasn't as fruitful as we hoped and desired" in gaining information about criminal activity.

## **Pennsylvania Supreme Court hears Marcellus Shale case**

**ASSOCIATED PRESS** PITTSBURGH — The Pennsylvania Supreme Court heard arguments Tuesday in a natural gas case that could create chaos for major energy companies and thousands of leaseholders. But the questions from the justices suggested they may be reluctant to cause such disruptions by significantly modifying

existing law. The case concerns an 1881 property deed and established Pennsylvania law that defines minerals as only metallic substances such as gold, silver and iron. In the deed, a man named Charles Powers sold property in Susquehanna County but retained the rights to 50 percent of the "minerals and petroleum oils." The Powers estate claims that the reference to "minerals" in the old deed gives them part ownership of the natural gas locked in the Marcellus Shale under the property. The estate challenged the natural gas and mineral rights of the property's current owner. Lower courts disagreed about the issue. The Marcellus Shale is a formation that lies deep under much of Pennsylvania, West Virginia, New York and Ohio. In 1881, the technology didn't exist to extract gas from the shale, but recent advances have made that possible. The stakes in the case are enormous. In the last four years, the Marcellus Shale has gone from virtually no output to become the most productive natural gas field in the United States. Wholesale revenues from production this year are projected to be in the range of \$6 billion to \$8 billion, depending on market prices. Landowners get hundreds of millions of dollars in royalty payments out of that total.

## **Virginia, EPA in Settlement Talks on TMDL Based on Water Flow**

**BNA DAILY ENVIRONMENT REPORT** Virginia officials are in talks with EPA to resolve a lawsuit over a requirement that the state set a total maximum daily load for a sediment-impaired stream based on the flow of water rather than discharge of sediment, a court filing shows. The state and Fairfax County, Va., say that EPA established the TMDL using stormwater flow and volume as a surrogate for sediment, essentially regulating water quantity in violation of the Clean Water Act.

## **Point of Departure -- Imagining a new future for Sparrows Point**

**BALTIMORE CITY PAPER** With RG Steel's bankruptcy and the sale of the iconic steel-making facility to two companies—Environmental Liability Transfer, which owns the land, and Hilco Trading, which is liquidating the machinery—the long decline of the largest steel factory in the world is all but complete. Rather than just mourning the plant's demise, *City Paper* contacted planning and architecture firms, along with politicians, asking them to imagine what Sparrows Point should be in the next five to 10 decades, what the area could be and look like, unconstrained by budgets, politics or other concerns. Sparrows Point itself is quite big. At approximately four square miles, if Sparrows Point were laid on top of Baltimore, it would stretch from Martin Luther King Jr. Boulevard to Broadway, and from Pratt Street nearly to North Avenue. Imagine building a new downtown and then some—a process that took Baltimore 100 years, even as the steel-mill operators built the mills and filled in the land on Sparrows Point. A development the size of a city is the opportunity afforded by the demise of RG Steel. And the people we contacted imagined a broad range of possibilities for the massive space: stately dockside homes near the bay beach and cruise port, a biotech and amusement park with hydrofoil links to the Eastern Shore, a new town center with dense housing and mass transit, and a logistics center serving half the country are among the ambitious dreams our local planners came up with. Here, we present their ideas along with the thoughts of some other thinkers and stakeholders, including the Baltimore County-created Sparrows Point Partnership, which is planning within a shorter time frame.

## **Coal plays pivotal role for Virginia residents, students in the November election**

**VIRGINIA TECH COLLEGIATE TIMES** In the middle of Appalachia, a billboard looms large over the highway: "Obama's No job zone," it reads, "The President talks about creating jobs but his EPA is destroying jobs." Another billboard on state Route 460, heading west toward Blacksburg, reminds people that, "Coal keeps the lights on." The billboards are a small part of a massive campaign push against the current administration and the Environmental Protection Agency, dubbed as a movement against President Obama's 'War on Coal.' Earlier this year, the president and the EPA imposed new environmental standards that limit the acceptable amount of emissions for existing coal powered-plants, while also restricting greenhouse gases for new plants in 2013. Legislators from areas with large coal mining industries have cited these new regulations as a devastating blow for

their lifeblood industry. These claims have led to a political dogfight as both parties vie for the favor of coal-mining cities predominantly located in southwest Virginia and Ohio. The attacks on the Obama administration come on the tail of massive layoffs by one America's largest coal producers, Alpha Natural Resources. Alpha announced in September they would be cutting 1,200 positions, eliminating eight coal mines across Virginia, West Virginia and Pennsylvania. Their production loss is estimated at 16 million tons of coal.

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## PENNSYLVANIA

### ***PHILADELPHIA INQUIRER***

Source of City Council dispute over protecting streams still unclear (Monday) Nearly two weeks after environmentalists sounded the alarm about a looming fight in City Council over protection of city streams, the very sources of the conflict remain unclear. Councilman Bill Green said earlier this month that unnamed Council members, representing some of the city's 10 Councilmanic districts, had objected to a proposed 50-foot buffer along streams - basically every natural waterway except the Schuylkill and Delaware River. But in subsequent interviews with all 10 District Council members or their staffs, none raised concerns that the 50-foot setback was too large, or admitted to previously expressing doubts, further enshrouding Green's motives in mystery. Only Councilman Bobby Henon said he hadn't made up his mind, saying he needed to study the issue further. Henon's district includes the Frankford and Tacony Creeks, each in heavily developed areas. Henon said Thursday he planned to meet with city Water Department officials in coming days. Environmentalists hoped the battle they warned about earlier this month and began to marshal support for could be avoided. Andrew Sharp, outreach coordinator for the advocacy group Penn Future, said environmentalists had been making the rounds with Council members, many of whom "understand how critical it is to protect" the city's streams and creeks, which are considered "impaired" by pollution. "We're hopeful that we can - once and for all - put to rest any discussion of reducing the 50-foot setbacks," Sharp said. The 50-foot buffers should have gone into effect in August as part of the zoning code reform, years in the making, that rewrote the rule book for building in the city. But in the spring, Henon and Green introduced a number of amendments that ultimately delayed the implementation. One of their amendments required Council to approve a hydrology map of rivers and streams before the buffers could go into effect.

Blog: Law Would Make It Tougher for Polluters to Walk Away from Contaminated Sites (New Jersey) The Legislature is moving to close a loophole involving the cleanup of contaminated industrial properties, which some fear may have allowed owners of the property to potentially avoid liability for pollution at the site. By a unanimous vote, the Assembly Environment and Solid Waste Committee this week approved a bill (A-3367) that would require the owner or operator of an industrial establishment to certify there is no contamination on the property. The certification requirement previously existed under regulations adopted by the New Jersey Department of Environmental Protection, but was struck down by a state appeals court this past summer. In ruling the state agency had overstepped its authority in ordering an industrial outfit to certify that its property was not contaminated, however, the three-judge panel invited the Legislature to clear up any ambiguities. The issue revolves around regulations dealing with the Industrial Site Recovery Act (ISRA), a 1993 law that overhauled a program designed to ensure polluted industrial properties were cleaned up before being sold or shut down.

### ***PITTSBURGH POST-GAZETTE***

Legal challenge over state shale law heads to court today The legal challenge over the state's new Marcellus Shale gas drilling law heads to the Pennsylvania Supreme Court this morning. State attorneys will be contesting the Commonwealth Court's July decision to overturn a portion of the law limiting local zoning rights. A majority panel of that court sided with a set of local officials, who argued that the new law was unconstitutional because it would require them to allow well pads and compressor stations in areas where the activity would otherwise be prohibited. That appellate decision also struck down a section that allowed the state Department of Environmental Protection to grant waivers regarding the required distance between a gas well and certain water sources. The municipal

challengers -- which include the southwestern towns of South Fayette, Cecil, Mount Pleasant, Robinson and Peters -- also are appealing several aspects in which the lower court did not agree, including whether the Public Utility Commission should be allowed to decide whether municipal ordinances comply with the state law. The new drilling law, known as Act 13, was approved by the Legislature in February. In addition to its zoning requirements, it created a per-well fee and overhauled state environmental rules.

North Fayette school to offer gas drilling program Spurred by the Marcellus Shale industry, Pittsburgh Technical Institute in North Fayette plans to begin offering a program focused on natural gas and drilling technology. The township planning commission heard plans tonight (10/16) for a 15,000-square-foot energy tech building on the eastern side of the McKee Road campus. The center will house a new certificate program in gas and drilling technology, as well as a new welding program and a relocated program in heating, ventilation and air conditioning. Charles Cubelic, the PTI vice president of business affairs, said there is a significant demand for training for Marcellus Shale jobs.

### **PITTSBURGH TRIBUNE REVIEW**

Fayette gets \$1.4 million of Marcellus impact fee funds Fayette County and its municipalities will share a \$1.4 million disbursement of Marcellus shale impact fee money, which state Rep. Timothy S. Mahoney said provides a solid boost to the local economy. Mahoney said money, derived from natural gas drilling activity in 2011, includes \$1.3 million to county and local governments, which have a wide range of spending options, and another \$116,000 from a "legacy fund" that can be used for recreation or bridge projects. The money comes from a \$50,000 drilling fee on each horizontal gas well, and a \$10,000 drilling fee on each vertical gas well. "Although I opposed Act 13 that created these impact fees, on the grounds that the gas companies can and should be paying a higher rate comparable to other states, we can't lose sight of the fact that \$1.4 million is nothing to sneeze at," Mahoney said. "Every dollar that flows into Fayette County and its 42 municipalities is either a dollar that local taxpayers are saving, or a dollar that can be devoted to a project that wouldn't otherwise be funded." Mahoney said roads and bridges, water and sewerage projects, housing assistance, and purchase of first-responder equipment are among the spending options available to county and local governments. "These types of tangible investment in our future — not another catchy slogan that goes nowhere — is what we need to truly move Fayette County forward," Mahoney said. "I urge the local decision-makers to invest this money wisely, with an eye toward stoking economic growth."

Alle-Kiski Valley feels impact of gas drilling fees In the state's Marcellus shale gas sweepstakes, Washington Township appears to be the Valley's big winner. Out of all Alle-Kiski communities, none comes close to the nearly \$380,000 that Washington Township will be getting from the impact fee. The state released the amounts that every community in the state will be receiving through the Public Utility Commission's website. "Obviously, this is a big boost to the township," said Rich Gardner, Washington Township supervisors chairman. "It equates to about 4.5 to 5 mills of taxes. It will prevent a tax increase, for sure." The township has 39 gas-producing wells with an additional 10 that have received permits but have yet to be drilled, according to Gardner. The state collects an impact fee of \$50,000 per well from the drilling companies and raked in more than \$204 million across the state. Eight programs, mostly state agencies, get \$23 million of that money off the top. Of what's left, county and municipal governments get to share 60 percent, or \$108.7 million. The state requires that it be spend on environmental and social programs, repairs for sewage and road systems and other impacts from the drilling boom.

### **BEAVER COUNTY TIMES**

Vogel emissions bill passes Senate State Sen. Elder Vogel Jr.'s bill to amend the state's emissions testing requirements has passed the Senate, his office said Monday. The bill introduced by Vogel, R-47, New Sewickley Township, would exempt light passenger vehicles that are 10 years old or newer and alternative-fuel vehicles from emissions testing. Vogel has said the low failure rate of these vehicles, about a quarter of 1 percent, does not justify the expense of administering the tests. Vogel's bill, Senate Bill 1532, moves to the state House for consideration.

### **HARRISBURG PATRIOT NEWS**

Editorial: Preserve our parks: Do recent DCNR ousters spell trouble? Pennsylvania's state parks rank among the commonwealth's most precious assets. From Little Buffalo to Boyd Big Tree Preserve, they offer unlimited opportunities for hiking, biking, fishing and simply enjoying nature. The park system won recognition as the best managed park system in America, earning a gold medal from the American Academy for Park and Recreation Administration and the National Recreation and Park Association. Nearly 38 million people visit them. Clearly, the park system has flourished under the leadership of John Norbeck, the state parks' director since 2006. And that is what makes his departure all the more puzzling. Norbeck was essentially forced out of his job, as The Patriot-News first reported this month. Last week, he told the Pittsburgh Post-Gazette that he received a termination letter this month, saying he would be ousted unless he resigned. He is slated to work his last day on Oct. 19. Norbeck doesn't know why he's essentially being booted. He told the Post-Gazette that a DCNR official simply said that the "administration has decided to go in a different direction." But he added that he has clashed with Corbett administration officials over discussions about timbering and mining on state park land. The DCNR, citing personnel issues, would not comment on Norbeck's ouster, but said it was not related to timbering or mining issues. The departure of Norbeck alarms environmental advocates, who worry about the prospect of mining and logging in state park land. Jeff Schmidt, executive director of the Sierra Club in Pennsylvania, has called Norbeck "one of Pennsylvania's top professional conservationists."

Letter: DCNR has no intention of drilling in state parks Good employment policy -- not to mention decorum -- dictates that employers do not publicly discuss personnel matters. Unfortunately, employees separated from their jobs might concoct stories regarding their separation. However, readers do not deserve baseless editorials such as yours ("Do recent DCNR issues spell trouble?" Oct. 15), which give credence to false allegations. Employers cannot be held hostage to self-serving statements of former employees, but an employer is powerless to defend itself publicly lest they subject themselves to employment law liability. The media knows this, and yet some, desperate for a story, exploit this catch-22. Mr. Norbeck knows why he no longer works here. It has nothing to do with philosophies over mineral extraction. We have not and are not considering drilling in state parks. The moratorium on leasing remains in effect. Under Gov. Tom Corbett's leadership, DCNR has overseen the drilling authorized by former Gov. Rendell on state forests to ensure it does not harm these natural resource treasures. Gov. Corbett has appointed and retained dedicated professionals to oversee our parks and forests. The impact fee signed by Gov. Corbett sets aside money for state park and forest infrastructure -- the first infusion of money into our park and forest system since 2005. Under the governor's leadership, DCNR will continue to ensure that its stewardship of our public lands meets the high expectations of our citizens.

### **CANON-McMILLAN PATCH**

Commentary: Withholding of Impact Fee: Immoral by Range Resources and Illegal by Corbett Administration (By Jesse White, State Representative, 46th District) This week, two major events dealing with Marcellus Shale and our local communities took place; you decide if they're related or not. Today, the Pennsylvania Supreme Court hears oral arguments in the Act 13 challenge, the lawsuit filed after all local zoning control over oil and gas operations was usurped by the Legislature. The Supreme Court decision may be one of the single most important ones in the history of Pennsylvania, particularly in heavily drilled areas such as Washington County. The municipalities leading the charge are Cecil, Robinson and Mt. Pleasant Townships in Washington County and South Fayette Township in Allegheny County. I'm proud to say I represent all four of them as a state legislator. On Monday, the Public Utility Commission announced the release of the Marcellus Shale impact fee money to counties and municipalities across Pennsylvania. But buried in the details of Gov. Tom Corbett's press conference was a small detail: four municipalities will not be receiving their impact fee money, which should have been a combined \$974,567.32. Which municipalities are left out? You guessed it—Cecil, Robinson, Mt. Pleasant and South Fayette Townships. Quite the coincidence, huh? Here's what happened. Under Act 13, any resident can challenge their municipality's drilling ordinance to the PUC and demand a review to ensure the ordinance complies with Act 13. One resident in each municipality filed a complaint with the PUC to challenge their respective ordinances, even though the municipalities in question have never denied a single drilling permit application and have never banned or blocked drilling activity. Robinson Township's ordinance is exactly one sentence long—it makes drilling a

conditional use in all zoning districts.

### **WILKES-BARRE CITIZENS VOICE**

Marcellus Shale Coalition releases 'stray gas' report The Marcellus Shale Coalition on Tuesday released a document detailing recommendations for responding to "stray gas" incidents. Read the recommendations Stray gas refers to the migration of gas into groundwater, a structure, surface water or soil. The gas can originate from sources including coal beds, natural gas wells, landfills, pipelines and microbial gas. There is a long, well-documented history of stray gas incidents in rural communities across the country, according to a release from the coalition. The newly published document calls for maintaining lines of communication with state regulators, local officials, first responders and homeowners. It gives options for natural gas producers, including installing ventilators and methane detectors in structures.

### **WNEP-TV SCRANTON -WILKES-BARRE**

Neighbors: Oliver Street is Crumbling (Oct. 12) WILKES-BARRE — 15 people who live along Oliver Street in the Parsons section of Wilkes-Barre said they want cracks that run up and down the asphalt fixed, as well as part of the retaining wall collapsed into Laurel Run. Newswatch 16's Peggy Lee reported live at the scene that evening a little over a year ago when heavy rains forced crews to sandbag the wall shortly after it collapsed. Barriers have been in place ever since. "We have 10 people over the age of 65, eight people with disabilities, fire truck can't get up. This bridge isn't safe for kids to get on in the morning," said Joyce Allen, of Wilkes-Barre. Joyce and her 95-year-old grandmother Isabel said they're concerned that large vehicles have to back up the street because access to Oliver Street from Scott Street is closed.

### **ERIE TIMES NEWS**

Natural gas fueling station coming to Erie County Erie County's first, large-scale compressed natural gas fueling station could be open within months. CNG One Source Inc., located now in Franklin, announced plans this morning to move its headquarters to the former Truckstops of America location along Interstate 90 in North East Township. The company, owned by Karen and Darius Teslovich, recently purchased the 10-acre property, which includes a 20,000-square-foot building. The fueling station, which would be open to both fleets and individuals, should open in April, said Karen Teslovich, the company's president. The company also plans to offer gasoline, diesel fuel and a recharging station for electric vehicles, she said. The company's first order of business will be building a conversion facility, where technicians can convert gasoline engines to CNG. That operation should be up and running by March, she said. While the cost of a conversion can be thousands of dollars, the potential savings is also substantial. At today's prices, natural gas is the equivalent of buying gasoline at \$1.60. "This is the future," Teslovich said.

### **POTTSVILLE REPUBLICAN HERALD**

Power line project in northeast Pa. to net about 200 jobs Construction of a contentious, high-voltage power line through the area will create hundreds of construction jobs. PPL Electric Utilities, an Allentown-based power company that is a partner in the \$1.2 billion Susquehanna-Roseland line, awarded a \$200 million contract to an Arizona company for construction on its section of the project. "By the end of October, we expect the initial phases of the work to be happening," PPL spokesman Paul Wirth said. The project will create at least 200 jobs for members of International Brotherhood of Electrical Workers Local 1319 in Wilkes-Barre, said Jason Bonner, the union's assistant business manager. "It will be a good boost to the economy of the area," Bonner said. "This area was hit quite hard by the recession." PPL awarded the construction pact to T&D Power Inc., a company that specializes in construction of high-voltage power lines. T&D is a division of MasTec Inc., a Miami-area construction consortium. MasTec spokesman J. Marc Lewis declined to comment.

State to draw down Tuscarora lake to replenish beach sand TUSCARORA - Today workers at Tuscarora State Park are scheduled to lower the lake eight to 10 feet so sand can be put back in the swimming area. "The beach sand

eventually slides down to the bottom of the lake. We don't want it there. And if we didn't do this drawdown, we'd have to buy new sand," Lewis Williams, park manager, said Monday. The last time park management did a drawdown was in 2008. They are done on an as-needed basis and it's not an expensive project, Williams said. "Other than time for the labor involved to pay one or two workers to pull the beach sand back, it's not going to cost us anything," Williams said. To get started, park workers will drive to the Locust Creek Dam and turn a large crank that opens a valve. "They'll have to turn that more than 100 times," Williams said. He admitted Monday he didn't have the strength to do it. "There's a valve that lets water out. It's in the bottom of the lake. What happens is it drains out through the dam into the Locust Creek that goes into the Little Schuylkill. It will drain out about two feet a day," Williams said. According to calculations Williams did Monday, there's an average of 619,116,900 gallons of water in Tuscarora Lake, which sits on 96 acres. It will take a week for the drawdown to be completed, he said. Williams wasn't certain exactly how many gallons would be drawn out, but said it would be complete when the edge of the water reaches the base of the metal depth markers.

### **DOYLESTOWN INTELLIGENCER**

Community advisory group formed DOYLESTOWN — A community advisory group will meet this week to discuss the Environmental Protection Agency's planned cleanup of the former Chem-Fab site in Doylestown. The group will meet at 6 p.m. Thursday in the conference room at Doylestown Borough Hall. The EPA plans to remove soil tainted with toxic chemicals from the site on Broad Street and truck the soil to disposal facilities. The project would cost about \$2.25 million in federal funds. The soil on the property, which is now home to several businesses including a yoga studio and an architectural firm, contains hexavalent chromium, trichloroethylene (TCE) and tetrachloroethylene. Hexavalent chromium is carcinogenic if inhaled or ingested, while high levels of TCE may cause kidney problems or lung cancer if inhaled, ingested or touched. The contaminants have infiltrated groundwater at the site and have caused chemical vapors to rise into the commercial building, where an adult dance studio also operates. An EPA toxicologist said the vapors pose no threat to nearby residents or businesses off site, but there are concerns for the air within the building. After the EPA cleans up the soil, it will also need to decontaminate groundwater under and near the site. There's no time frame for when that will occur. The EPA and the state Department of Environmental Protection have been monitoring the site of the former electroplating factory since 1995. But problems with contamination date back to the 1960s. The EPA added the site to the Superfund National Priorities list in 2009.

### **BUCKS COUNTY COURIER TIMES**

Editorial: State's drilling fee a bargain for drillers Bucks and Montgomery counties are eagerly awaiting their share of the more than \$200 million in so-called impact fees the state has collected already from companies drilling for natural gas. Bucks is looking to receive \$530,461; Montco's share is \$678,614. Not a bad haul in impact fees, considering the drilling has had no impact on either Bucks or Montco. In fact, although 60 percent of the revenue will go to the 35 counties and almost 1,500 municipalities where drilling actually occurs, all 67 of the state's counties will share in the bounty. The Fish and Boat Commission, the Department of Environmental Protection and any other agency that regulates or otherwise deals with the drillers will also get a cut. Even though the federal government long ago relegated "millions" to the "chump change" category, \$200 million is still a lot of money. If used wisely, that money can pay for useful repair and improvement projects all over the commonwealth. Unfortunately, the total amount could be and would be much higher if state lawmakers had opted for a natural gas severance tax based on the amount of gas actually extracted from the ground instead of an annual impact fee for each well drilled. (Which, by the way, will only be assessed if the well produces so much gas per day.) According to the Pennsylvania Budget and Policy Center, which bills itself as "a nonpartisan, statewide policy research project," over \$8 billion worth of natural gas was extracted from Pennsylvania's share of the Marcellus Shale between July 2009 and June 2012. The center claims Pennsylvania would have collected \$538 million — nearly three times as much — if it had a natural gas tax similar to West Virginia, which is also profiting from Marcellus drilling. Interesting that one of the key arguments made in Harrisburg during the drilling debate was that levying a severance tax would drive the drillers away to drill ... where? The gas is here. West Virginia has been collecting its drilling taxes for years and produces more gas than Pennsylvania. Other states where drilling is big business have



similar taxes, and are reaping the rewards. Pennsylvania's \$200 million pales in comparison.

PA Supreme Court to hear gas drilling case On Wednesday, the Pennsylvania Supreme Court will hear oral arguments in the Act 13 case. In March, Nockamixon, Yardley and the Delaware Riverkeeper Network teamed up with several Western Pennsylvania communities to file a lawsuit against Pennsylvania's Marcellus Shale gas drilling law, claiming it strips away the constitutional rights of citizens and local municipalities. The oil and gas law, enacted in February, was aimed at strengthening environmental regulations and providing consistent rules for drilling companies and landowners who want to sell their mineral rights. However, communities were also mandated to allow drilling in all sections of a town, without regard to drilling gas wells in close proximity to homes, schools and water resources. There has not been any gas drilling in Bucks County in recent history, but companies have sought to begin exploratory drilling in Nockamixon. About 300 gas leases have been signed in the Upper Bucks community. In Nockamixon, gas drilling is restricted to its industrial zone. Under Act 13, that zoning restriction would be unlawful. In July, the Commonwealth Court declared the municipal pre-emption provisions of Act 13 null, void, and unenforceable, and allowed an injunction on its implementation to remain in place while the case proceeds to the Pennsylvania Supreme Court. Since that ruling, more than 70 local government boards, including Philadelphia City Council, have announced their support of overturning the law, and several have filed "Friends of the Court" amicus briefs in defense of the Commonwealth Court ruling. The case is set to be heard in Pittsburgh on Wednesday before the state Supreme Court. Doylestown-based attorney Jordan Yeager will argue on behalf of Nockamixon and Yardley. The court will announce a decision at a later date. Marcellus Shale is a massive reserve of natural gas that sits thousands of feet below much of northern and western Pennsylvania. Marcellus Shale is not found under the five-county Philadelphia area, but recent U.S. Geological Survey scientists have rated the South Newark Basin — which is below most of Bucks and Montgomery counties — the third-highest untapped natural gas resource on the East Coast. In June, the Legislature approved a moratorium on gas drilling within the South Newark Basin until its potential impact can be studied or until 2018.

### **UNIONTOWN HERALD-STANDARD**

DEP denies making change in water-testing policy The state Department of Environmental Protection officials said they didn't change their policy for water contamination cases in relation to Marcellus shale drilling. According to several other published reports, the DEP gave officials in Harrisburg instead of their field officers the authority to decide whether or not to send notification letters regarding any issues with their water. But DEP officials maintain this was not a "change in policy." "That does not involve a change in regulations or policy," said DEP Press Secretary Kevin Sunday. "We have an internal process known as a major action advisory that keeps apprised senior management of the major decisions that this department undertakes. As our field offices are charged with the day-to-day inspection of wells, and, more to the point, the investigation into oil- and gas-related water supply complaints, and as this administration takes very seriously methane migration, it was recently decided that the determination letters we issue to homeowners will go through this advisory process." Sunday said the DEP administration enacts a more than \$1 million penalty against an operator for methane migration, the largest in the history of the state's oil and gas program. In terms of the change in process, Sunday said it was simply to be on firmer ground when it comes to determinations regarding water contamination. "This process will ensure that we are on firm scientific and legal ground in making these determinations," he said. "In addition to the fact that there are significant consequences we would impose on operators, the review of these letters is also in part due to a recent Environmental Hearing Board decision that held these determination letters are appealable." This refers to the May ruling that said a Washington County resident could appeal his negative DEP water test, which he said was inaccurate and incomplete. Under the old process, DEP field workers sent samples directly to the state's lab, reviewed the results with DEP geologists and then sent out contamination-determined letters to the appropriate residents. Under the new process, the field workers send the results to Harrisburg DEP officials, who then make the call on sending out contamination letters.

Some municipal leaders react favorably to impact fee proceeds Whether they have an operational gas well site in their municipality or not, Fayette County townships and boroughs also are beneficiaries of the Marcellus shale

impact fee allocation. On Monday, the Pennsylvania Utility Commission (PUC) announced that within the next two weeks, counties, communities and agencies would be receiving their first check that resulted from the passage of Act 13, the state's oil and gas legislation. The legislation imposed a \$50,000 drilling fee on each of the state's 4,022 horizontal gas well and a \$10,000 fee on each of its 311 vertical wells drilled last year. The net result was \$204 million on its way to Pennsylvania communities, including Redstone Township, which will receive about \$376,800. Other municipalities will receive varying amounts depending on population and whether drill sites are located within the community. Redstone Township Supervisor Chairman Ralph Rice said the added revenue will help the municipality make repairs to roads that long have been pushed to the bottom of the priority list. The amount is about \$48,000 more than the township's 2012 general fund budget. "We're probably going to be doing a lot of the smaller roads that we've been putting off because of the bigger roads that need to be paved," he said. "We're very happy about that because it will get us caught up on our road program."

### ***WILLIAMSPORT SUN-GAZETTE***

Impact fee money to be sent soon Millions of dollars from the state's natural gas impact fee legislation soon will be coming into Lycoming County and other counties and municipalities in the Marcellus Shale natural gas region. In all, about \$9.8 million is expected for Lycoming County and its 52 municipalities. The impact fee, known as Act 13, became effective April 14 and allows the state to collect fees for wells drilled by natural gas companies. Local municipalities will receive the bulk of the funding - about \$5.8 million - while the county government will receive about \$3.9 million, according to the state Public Utility Commission. "There has never been another piece of legislation that brought that amount of money to a rural district in Pennsylvania," said State Sen. E. Eugene Yaw, R-Loyalsock Township, who represents Lycoming, Bradford, Sullivan, Susquehanna and Union counties. Those counties share in the \$42.3 million that was raised from the impact fee. Gas companies are required to pay \$50,000 for horizontal wells and \$10,000 for vertical wells, according to the legislation. Of the \$204 million raised from Marcellus Shale drilling activity, \$23 million is shared between agencies such as the state Department of Environmental Protection, Fish and Boat Commission and Department of Transportation. A so-called "legacy fund" also is established with some of the funding to support highway bridge improvements, environmental stewardship and the Commonwealth Financing Authority, an independent agency that administers the state's economic stimulus packages. Funding to local municipalities is based on a formula that calculates road miles, population and physical distance to well sites, said William Kelly, deputy director of the county Department of Planning and Community Development. All municipalities - with or without gas wells - within the Marcellus Shale drilling area receive at least some of the money generated from Act 13. "Of the money that comes to the locals, 64 percent goes to the municipalities; 36 percent goes to the county," he said.

### ***ELLWOOD CITY LEDGER***

Commissioners discuss how drilling impact fees will be spent NEW CASTLE — This year, Ellwood City will receive \$405 in Marcellus shale drilling-related impact fees. If that doesn't sound like much, it's \$405 more than it got last year. And the borough did better than SNPJ, the smallest municipality in Lawrence County and, with a population of 19 people, one of the smallest in Pennsylvania and the United States. It's getting \$5.19, not even enough for two gallons of gasoline. On Tuesday, a day after Pennsylvania Gov. Tom Corbett announced the first impact fee disbursement, the Lawrence County Commissioners discussed the matter, even though they haven't gotten official word, much less a check. "We've not gotten notification of what we're getting or when we're going to get it," county Commissioner Dan Vogler said. Lawrence County will receive \$17,651, according to information provided by the state Public Utilities Commission, which oversees the collection of impact fees from companies drilling natural gas wells in the state using hydraulic fracturing technology. An additional \$77,296 will be disbursed to the county's 27 municipalities. The funds are being distributed to municipalities based on a formula that takes population, road miles and proximity to such wells. Little Beaver Township, which hosts several of the wells, will receive the most funding this year through the formula, \$19,136. Perry Township will get \$1,143, but that figure should increase next year, because a new well went on line this year in the township. In addition, Lawrence County will receive \$77,300 through the Marcellus Legacy Fund, which provides money to help local authorities mitigate damage stemming from drilling. The funds can be used for a variety of functions, including recreation trails and

greenway rehabilitation.

## **STATE IMPACT PENNSYLVANIA**

Abandoned Well May Have Caused Sullivan County Methane Leak Last week, StateImpact Pennsylvania published a series on the dangers posed by the state's estimated 200,000 abandoned oil and gas wells. These unplugged holes create unobstructed pathways for natural gas to migrate to the surface, where it can pool in water wells, basements, and other enclosed spaces. It turns out, Pennsylvania's Department of Environmental Protection has been dealing with the situation we laid out — an abandoned well possibly creating a pathway for natural gas to make its way into a home — since May. That's when a resident of Forks Township, Sullivan County, called to complain about methane gas. DEP spokesman Kevin Sunday writes that regulators temporarily evacuated the home, and that, "measures were taken to reduce levels of methane in the structure and alarms were installed so that the resident was able to return."

Industry Issues Guidance on Methane Migration By now, videos of residents lighting their taps on fire are a familiar image. Those flames are caused by methane that migrated into a subsurface water supply and is known as methane migration, or "stray gas." Perhaps the most famous incident of stray gas happened in Dimock, Susquehanna County. The Pennsylvania Department of Environmental Protection blamed Cabot Oil and Gas. Cabot says its drilling operations did not create the stray gas problem in Dimock. Rather, the company says the problem existed long before it arrived to start drilling. Either way, the Marcellus Shale Coalition, an industry group, has issued guidance to its members about how to handle reports of stray gas ending up in residential water wells or surface water near oil and gas drilling sites. The stray gas can originate in coal beds, shallow pockets of methane, and deeper sources of methane such as the Marcellus Shale. Oil and gas drilling operations can cause the gas to migrate into drinking supplies and surface water, but it's not the only cause. The MSC says transparency and open lines of communication with residents, regulators and emergency responders are a priority when faced with a stray gas complaint. The health impacts of drinking water containing methane are not known. But the release of high concentrations of methane in a house or other enclosed building can be dangerous and cause an explosion. The MSC says the first response may be evacuation.

Environmentalists File Suit Against New Transmission Line Twelve environmental groups have filed suit in federal court seeking to reverse a decision by the National Park Service, which gave the green light to expanding a transmission line through the Delaware Water Gap National Recreation Area. The 500 kilovolt Susquehanna-Roseland line will increase capacity for the East Coast, which utilities say is needed to prevent blackouts like the one experienced in 2003. Environmentalists have fought the project for years, saying it will damage ecosystems, encourage the use of coal fired power plants and result in higher electricity prices. Hannah Chang, with the environmental law firm Earthjustice, represents the 12 groups that filed suit. "This decision by the Park Service will permanently scar the landscape and degrade the visitor experience in some of the most visited national parks in the country," said Chang in a release. The \$1.2 billion expansion will take much of the same route as the current line, stretching 145 miles from Berwick, Pa. to Roseland, NJ. But environmentalists object to the increased height of the towers, which will rise to almost 200 feet and obscure views.

## **ASSOCIATED PRESS (Pa.)**

Pennsylvania Supreme Court hears Marcellus Shale case PITTSBURGH — The Pennsylvania Supreme Court heard arguments Tuesday in a natural gas case that could create chaos for major energy companies and thousands of leaseholders. But the questions from the justices suggested they may be reluctant to cause such disruptions by significantly modifying existing law. The case concerns an 1881 property deed and established Pennsylvania law that defines minerals as only metallic substances such as gold, silver and iron. In the deed, a man named Charles Powers sold property in Susquehanna County but retained the rights to 50 percent of the "minerals and petroleum oils." The Powers estate claims that the reference to "minerals" in the old deed gives them part ownership of the natural gas locked in the Marcellus Shale under the property. The estate challenged the natural gas and mineral rights of the property's current owner. Lower courts disagreed about the issue. The Marcellus Shale is a formation

that lies deep under much of Pennsylvania, West Virginia, New York and Ohio. In 1881, the technology didn't exist to extract gas from the shale, but recent advances have made that possible. The stakes in the case are enormous. In the last four years, the Marcellus Shale has gone from virtually no output to become the most productive natural gas field in the United States. Wholesale revenues from production this year are projected to be in the range of \$6 billion to \$8 billion, depending on market prices. Landowners get hundreds of millions of dollars in royalty payments out of that total.

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## WASHINGTON, D.C.

### **WASHINGTON POST**

**Blog: The whole story on the Keystone pipeline** In his remarks, Gov. Mitt Romney implied that President Obama has blocked the Keystone XL pipeline extension from being built. But it's a bit more complicated than that. Referring to the project which aims to ship heavy crude extracted from Alberta's oil sands to the U.S. Gulf Coast, Romney said, "Why the president said no to this pipeline, I will never know." In January, Obama did reject a presidential permit which would have allowed the pipeline to cross the U.S.-Canada border, arguing his administration could not do the sufficient environmental and regulatory review in order to meet a congressionally-mandated Feb. 22 deadline. But it's helped pave the way for TransCanada to build the southern segment of the pipeline from Cushing, Okla. to Port Arthur, Tex., by providing the needed Army Corps of Engineers permits. In fact, protesters including actress Darryl Hannah, are engaging in civil disobedience in Texas this week in an effort to halt construction of this section of Keystone XL.

**Blog: The truth about oil and gas production on public land** Is Gov. Mitt Romney telling the truth when he says oil and gas production is down on public land? Contrary to President Obama's assertions, Romney's telling the truth when he says, "Production of oil on public land is down 14 percent and production of gas on public land is down 9 percent." That's because energy production on federal lands is down compared to 2010, according to the Energy Information Administration. But it is still higher than where production stood under President George W. Bush. Compared to the last three years of the previous administration, according to EIA, there have been 241 million more barrels of oil produced from public lands in Obama's first three years.

**Blog: Obama right and wrong on coal plant** Obama said that Romney as governor stood outside a Massachusetts coal plant and said it killed people. He's right that in 2003, Gov. Romney said he was opposed to giving the Salem Harbor coal plant an extension on regulations that required a reduction in emissions. When the issue of jobs came up, Romney said he wouldn't protect jobs if it meant killing people and, pointing at the plant, he said that the coal plant was killing people. Obama was wrong when he said Romney "took great pride" in shutting down the plant. The plant is still open, though two of its four units have closed.

**Blog: What's really keeping coal back** Gov. Mitt Romney accused EPA administrator Lisa P. Jackson of blocking new coal plant construction in the United States, saying, "The head of the EPA said you can't build a coal plant. It's virtually impossible given the regulations." There's no question that new EPA regulations, including limits on mercury and other toxic emissions, and a proposal to curb greenhouse gas emissions on new power plants have made it harder to build new coal-fired power plants. But the lower price of natural gas, which costs less than a quarter of what it did four years ago, has undercut new coal plants just as much, if not more, than new federal regulations

**Federal retirees see modest 1.7 percent bump in cost of living** Federal retirees will receive an inflation adjustment of 1.7 percent in January, translating to about a \$50 increase in the average monthly payment under the annuity program for most of them. The increase, based on an inflation measure announced Tuesday, mirrors the cost-of-living adjustment (COLA) to be paid to Social Security beneficiaries. The modest increase drew a mixed reaction from groups representing the federal workforce. "While next year's COLA is much smaller than the increase federal retirees and Social Security recipients received at the beginning of this year, it could have been much worse," said J. David Cox, president of the American Federation of Government Employees. "Under the deficit-reduction

plan proposed by Morgan Stanley director Erskine Bowles and ex-senator Alan Simpson, the annual COLA would be cut by three-tenths of a percentage point.” That adds up, Cox said in a statement that went on to criticize the earlier proposed cut. Colleen M. Kelley, president of the National Treasury Employees Union, said the increase is “a vivid reminder of the pressures retired Americans, including retired federal employees . . . continue to face in making ends meet. That is particularly so since a large portion of retiree spending is directed toward health-related needs, a field in which inflation generally far outstrips that of other expenses.” There are two main federal retirement systems: the Civil Service Retirement System, which generally covers those hired before 1984, and the Federal Employees Retirement System, mainly for those hired in that year and after. While four-fifths of active federal employees are in the FERS program, about the same share of retirees draw benefits from the older CSRS program — 1.5 million out of 1.9 million.

Warmest September on record for globe (tie) In 143 years of September records, only September 2005 could match the past month for warmth averaged around the globe. September 2012’s global temperature was 1.21 degrees (F) above the 20th average, tied for the warmest on record.

Battery firm backed by federal stimulus money files for bankruptcy An electric-car-battery company that won a \$249 million stimulus grant filed for bankruptcy Tuesday, reigniting Republican presidential nominee Mitt Romney’s criticism that the Obama administration wasted taxpayer money by subsidizing clean energy companies.

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## DELAWARE

### **WILMINGTON NEWS JOURNAL**

Volunteers needed to remove invasive plants near Odessa The Delaware Wild Lands group is looking for volunteers to help remove invasive plants at the group's Sharp Farm near Odessa.

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## WEST VIRGINIA

### **CHARLESTON GAZETTE**

House 32nd, 36th candidates eye Marcellus revenue CHARLESTON, W.Va. -- West Virginia should tap growing tax revenues from natural gas production in the Marcellus Shale to pay for roads, bridges, schools and water and sewer plants, candidates for the House of Delegates 32nd and 36th districts said Tuesday. Delegate Nancy Guthrie, D-Kanawha, said the state should set up a "future fund" to pay for schools and infrastructure projects. "We need new schools," said Guthrie, a Kanawha City resident who's running in the 36th District. "We need more bridges. We need more roads." Robin Holstein, a Republican running for one of three seats in the 36th, said such improvements would spur economic development in West Virginia. "We need to bring back businesses and build a strong foundation and tax base for the state," said Holstein, who lives in Diamond. Stevie Thaxton, another GOP candidate in the same race, said the state must "drastically" reduce personal property taxes. "The tax burden really needs to be lightened up," said Thaxton, who lives in Alum Creek. "People are just struggling to make ends meet, and there's no help coming down the line."

Tomblin requests individual FEMA assistance for 20 more W.Va. counties CHARLESTON, W.Va. -- Gov. Earl Ray Tomblin on Tuesday asked the federal government for individual assistance in 20 West Virginia counties affected by the June 29 derecho. Tomblin previously won an appeal to secure individual assistance in Kanawha, Nicholas, Raleigh and Fayette counties after the Federal Emergency Management Agency had initially turned down

his request for individual assistance for 24 counties. Since Tomblin won the appeal, he's been working with federal officials to include the additional counties, according to a press release from his office. "Our families, seniors and individuals in these 20 counties need additional help to fully recover from the June storm," Tomblin said in a news release. "While I'm grateful to the many individuals and organizations who have worked hard to help families and businesses throughout our state, the need stretches beyond their means. "An expansion of the July federal disaster declaration to include individual assistance can mean the world of difference for many," he said. The governor's office has done a more comprehensive assessment of the damage than before and officials think the new information will be enough to gain FEMA's approval. "We have more comprehensive information that we feel will allow us that FEMA assistance," said Amy Shuler Goodwin, Tomblin's spokeswoman.

### **CHARLESTON DAILY MAIL**

Solid waste deal may jump-start recycling center The Kanawha County Solid Waste Authority is eyeing a partnership with a Chicago-based company that could bring the Slack Street recycling center back online. At a Tuesday meeting, board members voted to sign a nonbinding letter of intent indicating interest in partnering with West Virginia Recycling Services. If the deal is finalized, the company would run the recycling center, said George Hunyadi, a partner with the company. "We're really excited about this," board chairwoman Kay Summers said about the possible deal. "If this works, it will be huge for all of us." The company would lease the recycling center from the Solid Waste Authority for a fee, board member Rod Watkins said. That fee would come from the money the company makes by selling recyclables, he said. The fee would be levied on every ton of recyclables the company processes, Watkins said. The fee has not yet been determined.

Bayer's downsizing at Institute plant on schedule Bayer CropScience said the previously announced 220-person workforce reduction at its Institute site is on schedule. After Bayer CropScience announced in early 2011 that it would shut down its methyl isocyanate production unit at Institute, the company said...

### **PARKERSBURG NEWS AND SENTINEL**

SWA launches recycling website PARKERSBURG - After several months of planning and preparation, the Wood County Solid Waste Authority has launched its first website. "We intended it to be informative, showing folks where they can go to recycle in the community, and educational in that it provides information and refers links for parents, teachers and kids. The site theme - recycling is in your hands - will be carried forward in future ad campaigns," said John Reed, SWA director. Stonewall Marketing developed, implemented and will maintain the website at [www.woodcountyrecycles.com](http://www.woodcountyrecycles.com) in addition to developing the ad campaign that will be used as the theme for the SWA at a cost of \$13,000. Funding for the SWA's budget comes from landfill tipping fees paid by haulers. The funds, which are distributed to the authorities, are to be used for education and recycling activities and programs

Tomblin pushes for additional FEMA funds PARKERSBURG - Wood County is one of 20 counties the governor is trying to get federal assistance for in recovery efforts following the derecho this past summer. Gov.

### **BLUEFIELD DAILY TELEGRAPH**

Allen plans to focus on energy resources BLUEFIELD — George Allen still wears his cowboy boots, but the self-confident swagger that made him a lightning rod for controversy during three decades of public life appears to have mellowed considerably. Six years ago, Allen's derogatory remark to a campaign worker for U.S. Senator Jim Webb, D-Va., cost him a seemingly insurmountable lead and likely contributed to the loss of his U.S. Senate seat. Controversy has followed him through three full decades in public life, but so too, has success. After receiving an unfriendly welcome to the Democratic Party-dominated Virginia General Assembly in 1994. Then Virginia Gov. Allen made good on his campaign promise to get tough on crime by abolishing parole in the Commonwealth. Crime rates dropped, and Allen's path proved the right choice over his Democrat challenger Mary Sue Terry, whose gun control message didn't jell with Virginia voters. Allen gained bipartisan support for his Welfare reform initiative during his second year in office, and that initiative put the Old Dominion at the head of the curve

nationally in terms of Welfare reform. Allen helped coal mine operators in 1995 by providing tax credits for operators who mine Virginia thin coal seams, and while in 1996, it was State Senator Jack Reasor and Delegate Jackie Stump — both Democrats — who ushered in Virginia's sweeping Mine Safety Act, Allen welcomed Southwest Virginia into his office when he signed the bill into office.

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## MARYLAND

### ***BALTIMORE SUN***

Striped bass reproduction hits record low The number of young striped bass in the Chesapeake Bay fell to a record low this year, a drastic decline from a near-record high the year before, state officials reported Tuesday. State biologists checking Maryland's part of the bay found the fewest newly spawned striped bass that they've tallied in any year since annual surveys for the fish began 59 years ago, the Department of Natural Resources reported. Maryland's state fish, also known as rockfish, is closely monitored because it supports a multimillion-dollar recreational and commercial fishing industry that employs thousands. The species is widely regarded as one of the bright spots in the 30-year effort to restore the Chesapeake Bay; its population rebounded from near-collapse in the 1980s after a five-year fishing moratorium. Though state officials said the decline probably was the result of unfavorable weather during spawning season, some recreational fishing advocates urged vigilance. "We expected the numbers to be low, but by no means did we expect them to be this low," said Tony Friedrich, executive director of the Coastal Conservation Association of Maryland. "It does concern us." The upper bay is the spawning ground and nursery for three-fourths of the striped bass that migrate along the East Coast. In the Maryland survey, the number of little striped bass counted in each haul during a three-month sampling of traditional spawning areas was more than 90 percent below the long-term average. Virginia scientists reported similarly poor reproduction in their survey of the southern portion of the bay. DNR officials said there appeared to be plenty of adult striped bass returning to the bay's rivers to spawn this year, but that unusually warm, dry weather last winter and spring spelled doom for their offspring.

### ***BALTIMORE CITY PAPER***

Point of Departure -- Imagining a new future for Sparrows Point With RG Steel's bankruptcy and the sale of the iconic steel-making facility to two companies—Environmental Liability Transfer, which owns the land, and Hilco Trading, which is liquidating the machinery—the long decline of the largest steel factory in the world is all but complete. Rather than just mourning the plant's demise, *City Paper* contacted planning and architecture firms, along with politicians, asking them to imagine what Sparrows Point should be in the next five to 10 decades, what the area could be and look like, unconstrained by budgets, politics or other concerns. Sparrows Point itself is quite big. At approximately four square miles, if Sparrows Point were laid on top of Baltimore, it would stretch from Martin Luther King Jr. Boulevard to Broadway, and from Pratt Street nearly to North Avenue. Imagine building a new downtown and then some—a process that took Baltimore 100 years, even as the steel-mill operators built the mills and filled in the land on Sparrows Point. A development the size of a city is the opportunity afforded by the demise of RG Steel. And the people we contacted imagined a broad range of possibilities for the massive space: stately dockside homes near the bay beach and cruise port, a biotech and amusement park with hydrofoil links to the Eastern Shore, a new town center with dense housing and mass transit, and a logistics center serving half the country are among the ambitious dreams our local planners came up with. Here, we present their ideas along with the thoughts of some other thinkers and stakeholders, including the Baltimore County-created Sparrows Point Partnership, which is planning within a shorter time frame.

### ***MARYLAND GAZETTE***

Bumper to Bumper: New Gaithersburg community makes way for rapid bus transit Gaithersburg's new Crown

community is paving the way for upper Montgomery County's rapid transit system, the Corridor Cities Transitway. The Crown community is currently being constructed near the intersection of Sam Eig Highway and Fields Road. Developers have set a plan for residential housing, a commercial and retail district, a new high school and a CCT station. The CCT will be an upcounty bus rapid transit system with multiple stops between the Shady Grove Metro station and telecommunications company COMSAT's facility in Clarksburg. The project is currently in the "conceptual engineering" stage, Maryland Transit Administration project manager Rick Kiegel said. His organization is designing a system that can accommodate 47,700 riders daily, he said. Kiegel and his team are hashing out the basic layout of the bus route. "We're looking at traffic analysis, how we anticipate getting through various problem areas; intersections and such," he said.

### ***PARKVILLE-OVERLEA PATCH***

Lend A Hand, Help The Bay, Learn At Upcoming Demonstration Do you have a green thumb? Are you interested in helping to protect the Chesapeake Bay? If so, an upcoming workshop in Carney hosted by the Gunpowder Valley Conservancy might be for you. Later this month, the group, also responsible for the Jennifer Branch Preservation Project, will install an "edible landscape" at the home of Carney resident Barbara Newton and anyone willing to help and wanting to learn is welcome to attend. *See the flyer for the Edible Landscapes workshop hosted by the Gunpowder Valley Conservancy attached to this article.* Gunpowder Valley Conservancy consulting architect and permaculture designer Patty Ceglia explained that an edible landscape installation is one way to help prevent stormwater runoff into the Chesapeake Bay watershed. "[GVC's] whole mission is to preserve the Chesapeake by preventing stormwater runoff because it gets polluted on its way to the bay" Ceglia said. "So we're starting at the source: homeowner's yards. Everyone has a roof and everyone has a yard." Installing an edible landscape is pretty simple, Ceglia said. First a trench, or swale, is dug to help hold excess water. Then, a bed is laid down parallel to the trench and planted with fruit or nut trees and other plants that help them to grow. "We put in flowers and herbs—they attract beneficial insects which help to pollinate the fruit tree and to attract insects that kill pests ... we also select plants that pull minerals up from deep in the soil, fix nitrogen, repel mice and rabbits," Ceglia said.

### ***SOUTHERN MARYLAND ONLINE***

Green Lawns May Not Be "Green" Those of us who are not farmers or do not own a sewage treatment plant might assume that our individual nitrogen and phosphorous footprints are relatively small and, as such, that we can hold our heads high as we contemplate the health of the Chesapeake Bay. As we blow the fallen leaves to the curb and apply one more chemical dressing to our manicured lawns, we might even breath deeply of the crisp autumn air and celebrate our oneness with the environment we so treasure. Except that our backyards can be hotspots of what's known as nonpoint source pollution, meaning pollution emanating not from pipes, but from places such as fields and lawns where we may not expect it. Indeed, "turf" is so overlooked as a source of nutrient runoff that a preliminary, 132-page plan for nutrient reduction in Pennsylvania included only three paragraphs dedicated to lawn-care products. One culprit is the bags of lawn fertilizer hawked by the Scotsman shouting "feed it!" to his neighbor, with the implicit message that allowing the lawn to go unnourished is akin to starving a child. But those nutrients that green up a lawn first thing in the spring are also the very same nitrogen and phosphorous made infamous by barnyard manure and failing septic systems. In fact, spreading manure on farm fields these days comes with more safeguards than is required for the thousands on thousands of acres of lawns, golf courses and institutional campuses that make up greater suburbia. The threat is reduced when lawn fertilizer is used with care and conscience. But safe to say, not everyone does so. For example, soil should be tested prior to the application of fertilizer for the simple reason that the grass might not need it

### ***ASSOCIATED PRESS (Md.)***

'Merroir' of Maryland: Oyster farmers in Chesapeake Bay stake out new sea water SOLOMONS, Md. — So you've embraced the concept of terroir, the notion that the land influences the character of the foods and wines produced on it. But are you ready for mer-roir? A fast-growing cadre of Chesapeake Bay oyster farmers are banking on it. The Chesapeake has long been known for its oysters, though primarily for its dwindling wild population. But watermen now are being encouraged to farm oysters along its banks instead of harvesting them



wild. And producers already are jockeying for bragging rights about whose section of some 3,000 acres being leased produces the tastiest oysters. Hollywood Oyster, Snow Hill and Parrot Island are among the names tempting buyers, with growers touting the distinct flavours imparted on their shellfish by the waters of their particular river, creek or bight. Choptank Sweet for example, grown in that river's slightly brackish waters, claim a creamy mildness. York River oysters, grown closer to the mouth of the Chesapeake Bay, are salty-sweet. Maryland officials overseeing the leasing of the waterways are eager to follow the example set in Virginia, which last year sold more than 23 million farmed oysters, up from fewer than 1 million in 2005. Travis Croxton, 37, began oyster farming a decade ago on Virginia's Rappahannock River along with his cousin on bay acreage first leased by their grandfather. Since then, they have opened an oyster-tasting restaurant named — appropriately enough — Merroir. “Every bend of the tributaries in the bay can yield a different flavour, a different characteristic,” Croxton said, adding that their sweet and buttery Rappahannocks are grown further upriver than most other farmed oysters and “that kind of gives them a mineral taste.”

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## VIRGINIA

### ***RICHMOND TIMES-DISPATCH***

Va. uranium mining focus of forum in Chatham tonight CHATHAM — A multi-agency working group examining various aspects of uranium mining is heading to Southside Virginia for a public meeting. The Uranium Working Group is scheduled to meet tonight in Chatham for its fifth public forum. Created by Gov. Bob McDonnell, the working group is looking at public safety, environmental issues and a regulatory framework that would be needed if Virginia ended a 30-year ban on uranium mining. The examination is being driven by a mining company's desire to tap a 119-million pound deposit of the radioactive ore within 10 miles of Chatham. Virginia Uranium Inc. says mining can be conducted safely and create jobs. Critics say the economic boost is not worth the environmental risks. Among the issues to be discussed tonight are public health and safety.

### ***NORFOLK VIRGINIAN PILOT***

Virginia, Hampton Roads recycling rates improve RICHMOND -- Virginia continues to increase the amount it recycles, according to a new report. The Department of Environmental Quality's report on recycling shows that Virginia recycled 43.5 percent of its municipal and other solid wastes in 2011, compared with 40.5 percent in 2010 and 38.6 percent in 2009. Information for the report comes from recycling rates submitted by Virginia's 71 solid-waste planning units. The Hampton Roads/Tidewater region showed the biggest increase in the state, with 44.6 percent being recycled, compared with 39.3 percent in 2010. The Richmond area has the highest percentage, at 57.7. The report is available on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

### ***NEWPORT NEWS DAILY PRESS***

Oil spill cleanup continues in Hampton HAMPTON— Crews continue to clean up an oil spill in the Briarfield area that has moved from its source location off Mingee Drive. Hampton fire crews responded to a hazardous materials spill in the 2100 block of Mingee Drive at 1 p.m. Sunday. A steel storage tank at Master Fleet Services was found to have rusted, ruptured and leaked a large amount of used engine oil into a tidal drainage ditch, said Capt. Anthony Chittum with Hampton Fire and Rescue. “It was accidental but it did rust through,” Chittum said. Chittum said Hampton fire department crews conducted the initial efforts to contain the spill and now the Virginia Department of Environment Quality is working with the company to clean up the spill. He added Monday's rain hampered efforts, but booms have been in place since Sunday to soak up the oil. President Jim Wise of Master Fleet Services said he hired LCM Corp. with offices in Hampton to do the cleanup, and that crews have been working around the clock since Sunday. Wise said the storage tank held waste engine oil used to heat the truck repair facility during the winter. He said the facility had been regularly inspected and the tank was never flagged as a problem. “We do take it seriously,” Wise said. “I'm trying to get it cleaned up as quick as we can.” On Tuesday, crews were cleaning up

the oil from drainage areas off Briarfield Road bear Bethel Baptist Church and the wetlands off Power Plant Parkway. Nearby Town Park residents on Ferncliff Drive didn't realize the oil spill had moved near them. Dwayne and Joyce Trotter understand accidents happen, but they're concerned about the water and the wildlife. "Definitely we want it cleaned up," Joyce Trotter said.

### **VIRGINIA TECH COLLEGIATE TIMES**

Coal plays pivotal role for Virginia residents, students in the November election In the middle of Appalachia, a billboard looms large over the highway: "Obama's No job zone," it reads, "The President talks about creating jobs but his EPA is destroying jobs." Another billboard on state Route 460, heading west toward Blacksburg, reminds people that, "Coal keeps the lights on." The billboards are a small part of a massive campaign push against the current administration and the Environmental Protection Agency, dubbed as a movement against President Obama's 'War on Coal.' Earlier this year, the president and the EPA imposed new environmental standards that limit the acceptable amount of emissions for existing coal powered-plants, while also restricting greenhouse gases for new plants in 2013. Legislators from areas with large coal mining industries have cited these new regulations as a devastating blow for their lifeblood industry. These claims have led to a political dogfight as both parties vie for the favor of coal-mining cities predominantly located in southwest Virginia and Ohio. The attacks on the Obama administration come on the tail of massive layoffs by one America's largest coal producers, Alpha Natural Resources. Alpha announced in September they would be cutting 1,200 positions, eliminating eight coal mines across Virginia, West Virginia and Pennsylvania. Their production loss is estimated at 16 million tons of coal.

### **DANVILLE REGISTER AND BEE**

Three Pittsylvania supervisors make their own anti-mining resolutions CHATHAM -- Three Pittsylvania County supervisors have adopted their own resolutions opposing uranium mining and milling and requesting that Virginia's moratorium on it remain in place. During a news conference held Tuesday afternoon in front of the Pittsylvania County Courthouse, Staunton River Supervisor Marshall Ecker, Banister Supervisor Jessie Barksdale and Callands-Gretna Supervisor Jerry Hagerman announced their intentions. Each supervisor stated why they adopted their resolution, with Ecker and Barksdale citing other board members' lack of commitment in addressing the issue. "The time has come to take action due to lack of interest from our leadership on the board of supervisors," Ecker said during the news conference. "For several years I have tried to get a resolution to protect the citizens of Pittsylvania County by keeping the moratorium in place. I have heard almost every excuse in the book for not presenting a resolution." Board of Supervisors Chairman Tim Barber told the Danville Register & Bee on Tuesday evening just before the board's meeting that "hopefully something [a resolution] will be forthcoming from the board." "Hopefully, we can do it as a board," Barber said, declining to comment on the three supervisors' decisions to adopt their own resolutions.

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## **MISCELLANEOUS**

### **BNA DAILY ENVIRONMENT REPORT**

EPA Cites 'Significant Progress' on New Source Mercury Proposal EPA says it has made "significant progress" on a proposed rule that would reconsider mercury and air toxics standards for new power plants. In a filing with the U.S. Court of Appeals for the District of Columbia Circuit, the agency says it has prepared a draft rulemaking package and it is working to finish the draft preamble, regulatory text, and technical support documents. EPA says it "remains on track" to issue a final rule by March 2013.

Virginia, EPA in Settlement Talks on TMDL Based on Water Flow Virginia officials are in talks with EPA to

resolve a lawsuit over a requirement that the state set a total maximum daily load for a sediment-impaired stream based on the flow of water rather than discharge of sediment, a court filing shows. The state and Fairfax County, Va., say that EPA established the TMDL using stormwater flow and volume as a surrogate for sediment, essentially regulating water quantity in violation of the Clean Water Act.

## **ASSOCIATED PRESS**

Energy, tension fuel presidential debate HEMPSTEAD, N.Y. -- An aggressive President Barack Obama accused challenger Mitt Romney of favoring a "one-point plan" to help the rich in America and playing politics with the deadly terrorist attack in Libya in a Tuesday night debate cracklin...

## **GREENWIRE**

Drilling tip line yielded scores of allegations, but no criminal cases In February 2011, a resident of a western Pennsylvania town noticed that her water was black and "had a very strong metallic odor." That same month, in Texas, several people in one neighborhood smelled rotten eggs and experienced symptoms that ranged from nausea to face paralysis. And in West Virginia, one resident accused an oil and gas company of kidnapping a neighbor to obtain permission for drilling rights. Ranging from credible to dubious, from coherent to irrational, the hundreds of tips that U.S. EPA received through its "Eyes on Drilling" tip line paint an eclectic picture of the fears that plague residents who live near oil and natural gas developments. For the last three years, people called and emailed the agency at all times of the day and night to report illegal dumping, suspicious smells and cloudy water. EPA's Region 3 office in Philadelphia launched the tip line at the start of 2010 in the hope that it would lead to useful information about hydraulic fracturing, a controversial process for extracting gas that is becoming increasingly popular. Though EPA has no direct jurisdiction over the permitting for so-called fracking -- in which chemical-laced water is used to break apart rock formations -- the agency does enforce regulations to protect air and water resources. EPA got flooded with calls the day it launched the tip line, according to logs obtained by *Greenwire* through a Freedom of Information Act request. Many came from Pennsylvania, where oil companies are using fracking to tap previously inaccessible oil and gas deposits in the Marcellus Shale formation... But EPA's criminal investigators followed up on scores of allegations, visiting local residents to get more information or sometimes just to answer questions and allay fears, said David McLeod, EPA special agent in charge in Region 3. McLeod, who heads EPA's Criminal Investigation Division (CID) for the mid-Atlantic states, admitted in a recent interview that the tip line "wasn't as fruitful as we hoped and desired" in gaining information about criminal activity.

As landmark law turns 40, utility managers call for a tuneup With the Clean Water Act marking its 40th anniversary this week, water utility managers said yesterday it's time to consider modifying the landmark law to focus effort and money on the biggest and most dangerous sources of pollution. Two-thirds of American waterways are now considered clean enough for fishing and swimming, double the number at the time the Clean Water Act was signed into law in 1972. Those improvements were made primarily by cleaning up "point source" discharges from industrial facilities. But most pollution that enters waterways today isn't flushed out of industrial pipes, but instead washes off farmland, lawns, streets and parking lots. The federal government doesn't have authority over such nonpoint sources under the Clean Water Act, though. So, to maintain or improve water quality, regulators instead set lower limits for the sources they do regulate. Yesterday George Hawkins, the charismatic general manager of the District of Columbia Water and Sewer Authority, spelled out in hard numbers what it has cost Washington, D.C., residents to make improvements at the Blue Plains Advanced Wastewater Treatment Plant, the largest facility of its kind in the world. When Hawkins took over the authority in 2009, Blue Plains had already undergone a \$16 million upgrade that reduced nutrient discharges by nearly 8 million pounds, cutting nitrogen in a liter of wastewater from 15 milligrams to 10 milligrams.

Great Lakes: U.S., Canadian universities launch long-term restoration partnership A group of 21 universities and institutions in the United States and Canada plan to participate in the Great Lakes Futures Project, officials announced yesterday. The institutions will conduct long-term research projects to help protect and restore the Great Lakes. The partnership will begin with a series of papers that describe what has affected the lakes during the past 50

years as well as what may affect the lakes in the next 50 years, including invasive species, climate change, the economy and chemical pollution. The project is expected to help answer questions about watershed management. Some of the schools participating in the project include the University of Michigan, Michigan State University, Wayne State University and the University at Buffalo in New York

### ***NATURE MAGAZINE***

US environment agency fights back over mountaintop mining The US Environmental Protection Agency is fighting tooth and nail to stop destructive mining practices that threaten the aquatic habitats and wildlife of the Appalachian Mountains of West Virginia. Wednesday is the deadline for the agency to submit legal arguments in its appeal against a decision that overturned its veto of a permit for a vast surfacing-mining operation in the area. Mountaintop mining involves removing large amounts of earth with explosives to allow the excavation of thin seams of coal beneath them. Last year, the EPA vetoed a permit for one of the largest such projects ever planned in West Virginia. The permit had been awarded in 2007 by the Army Corps of Engineers to Mingo Logan, a subsidiary of Arch Coal — the second-largest coal producer in the United States, which is based in St Louis, Missouri. The EPA concluded that the Spruce 1 mine would have "unacceptable" effects on water quality and wildlife (see 'EPA nixes mountain mining plans'). But in March this year, US district judge Amy Berman Jackson ruled that the EPA does not have the authority to veto a permit once it has been issued by the corps. She said such authority would be "a stunning power for an agency to arrogate to itself". Environmentalists fear that the move seriously threatens the EPA's powers to effectively safeguard the environment. In July, another district judge overruled EPA guidance that recommended preserving water quality by putting limits on the allowable electrical conductivity of stream water, a property that is increased by the presence of mining debris in the water.

### ***REUTERS NEWS SERVICE***

Pipelines add dramatically to natural gas output Natural gas prices escaped a rout this summer as record heat helped reduce towering inventory levels. This winter, fierce cold will be needed to help absorb the newest barrage of supply that will again test the limits of an over-supplied market. Up to \$3 billion worth of new pipelines connecting to the Marcellus shale formation in the Northeast could unlock the equivalent of 5 percent of daily natural gas supply in the last months of this year and in 2013 that until now has been trapped without access to consuming markets. The lines are another sign of how prolific production continues to transform the U.S. gas market nearly five years after drillers began to tap shale deposits aggressively, presenting a fresh challenge for a network whose demand is struggling to keep up with supply. New output, which will depend on how willing producers are to send more gas to market, will make the Northeast much less reliant on gas from the Gulf and Canada as well as the Rockies, potentially altering flows of gas and changing the spreads between next-day gas prices in different regions such as New York and the national benchmark Henry Hub in Louisiana.